

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:17-CV-00652

SNYDER’S-LANCE, INC. and PRINCETON
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

JOINT MOTION FOR STAY OF ALL
BRIEFING DEADLINES REGARDING
MOTIONS FOR SUMMARY JUDGMENT

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Civil Rules, Defendant Frito-Lay North America, Inc. (“Defendant”) and Plaintiffs Snyder’s-Lance and Princeton Vanguard, LLC (collectively, the “Parties”) move this Court for a stay of all briefing deadlines in connection with the motion for summary judgment filed by Defendant and the motion for summary judgment filed by Plaintiffs Snyder’s-Lance, Inc. and Princeton Vanguard, LLC (“Plaintiffs). In support of this motion, the Parties show the Court as follows:

1. Defendant filed its Motion for Summary Judgment on August 30, 2018. (Dkt. 28).
2. Plaintiffs filed their response to Defendant’s Motion for Summary Judgment on October 29, 2018. (Dkt. 33). Along with their response, Plaintiffs filed a Cross-Motion for Summary Judgment. (Dkt. 34).
3. Defendant moved on November 9, 2018 for an extension of time until February 1, 2019 to file a reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment. (Dkt. 47).
4. This motion was granted on November 13, 2018 (Dkt. 48).
5. Following receipt of the Cross-Motion for Summary Judgment, Defendant

conducted discovery, including document requests.

6. On January 28, 2019, the Parties filed a “Joint Motion for Extension of Deadlines Regarding Motions for Summary Judgment” (the “Joint Motion”) (Dkt. 51) and that motion was granted by the Court on January 28, 2019 (Dkt. 52).

7. Defendant’s current deadline to reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment is March 1, 2019.

8. Plaintiffs’ current deadline to file their Reply to Defendant’s response to Plaintiffs’ Motion for Summary Judgment is April 1, 2019.

9. Since the filing of the Parties’ Joint Motion, Defendant has filed a Motion to Compel Production of Documents (the “Motion to Compel”) in connection with its document requests of Plaintiffs.

10. Because the Parties have a dispute as to whether certain documents should be produced by Plaintiffs to Defendant, which dispute is the subject of the pending Motion to Compel, and if the Motion to Compel is granted, there may be an additional production of documents.

11. The Parties request a stay of all briefing deadlines in connection with the motion for summary judgment filed by Defendant and the motion for summary judgment filed by Plaintiffs to allow for the resolution of the pending Motion to Compel. The Parties request that if the Motion to Compel is denied, Frito-Lay’s summary judgment reply and opposition briefs shall be due within 10 days of the Court’s decision. If the Court rules otherwise, the Parties request that they be permitted to submit to the Court a revised briefing scheduled within 10 days of the Court’s decision.

12. This request is not sought for delay but to allow for efficient and full briefing of the summary judgment motions.

WHEREFORE, the Parties respectfully request that the Court stay all briefing deadlines in connection with the Parties respective Motions for Summary Judgment as outlined in this motion.

This the 28th day of February, 2019.

/s/ Alexander M. Pearce

Alexander M. Pearce
N.C. State Bar No. 37208
Jonathan D. Sasser
N.C. State Bar No. 10028
ELLIS & WINTERS, LLP
P.O. Box 33550
Raleigh, NC 27636
Telephone: (919) 865-7000
Alex.pearce@elliswinters.com
Jon.sasser@elliswinters.com

David H. Bernstein*
James J. Pastore*
Jared I. Kagan*
Michael C. McGregor*
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 909-6696
dhbernstein@debevoise.com
jjpastore@debevoise.com
jikagan@debevoise.com
mcmcgregor@debevoise.com

Attorneys for Plaintiffs

* admitted *pro hac vice*

/s/ Alice C. Richey

Alice C. Richey
N.C. Bar No. 13677
Abigail W. Henderson
N.C. Bar No. 52182
ALEXANDER RICKS PLLC
4601 Park Road, Suite 580
Charlotte, North Carolina 28209
Telephone: 980-335-0720
Facsimile: 704-365-3676
alice@alexanderricks.com
abbie@alexanderricks.com

William G. Barber*
David E. Armendariz*
PIRKEY BARBER PLLC
600 Congress Ave.; Suite 2120
Austin, Texas 78701
Telephone: (512) 482-5223
Facsimile: (512) 322-5201
bbarber@pirkeybarber.com
darmendariz@pirkeybarber.com

Attorneys for Defendant

* admitted *pro hac vice*